

5-038550
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
-----X
MAERSK LINE,

Plaintiff,

- against -

FIVE STAR FIREWORKS CORP.,

Defendant.

-----X

CIVIL COMPLAINT
IN ADMIRALTY



Plaintiff MAERSK LINE, by its attorneys, LAW OFFICES OF ALBERT J. AVALLONE & ASSOCIATES, as and for its Complaint against defendant FIVE STAR FIREWORKS CORP., in personam, in a cause of action civil and maritime, alleges upon information and belief:

1. This is an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure, the Ocean Shipping Reform Act of 1999, 46 U.S.C., App. Section 1701, et seq., and Paragraph 14.4 of the Bill of Lading.
2. At all times hereinafter mentioned, plaintiff MAERSK LINE was and still is a corporation duly organized and existing under the laws of the State of Delaware with offices and a place of business at 6000 Carnegie Blvd., Charlotte, NC 28209.
3. Upon information and belief and at all times hereinafter mentioned, defendant had and now has the legal status and place of business as set forth in Schedule A.
4. On or about the dates and at the ports of shipment stated in Schedule A, certain goods were delivered to plaintiff to be carried to the ports of destination and at the agreed charges to be paid by defendant pursuant to plaintiff's published tariff, all as set forth in Schedule A.
5. Thereafter, the goods were carried to the ports of destination and delivered to the defendant and/or its agents.

6. Plaintiff has performed all duties and obligations required to be performed by plaintiff.

7. Defendant has failed and refused and continues to fail and refuse to remit payment of \$7,935.00, although duly demanded.

8. By reason of the foregoing, plaintiff has sustained damages in the amount of \$7,935.00 which, although duly demanded, have not been paid.

WHEREFORE, plaintiff prays:

1. For judgment in the amount of plaintiff's damages, together with interest thereon, costs, disbursements and a reasonable attorney's fee.

2. That process in due form of law according to the practice of this Court in cases of admiralty and maritime jurisdiction may issue against the defendants citing them to appear and answer all the singular matters aforesaid.

3. That plaintiff have such other and further relief in the premises as in law and justice it may be entitled to receive.

Dated: New York, New York

July 6, 2007

LAW OFFICES OF
ALBERT J. AVALLONE & ASSOCIATES

By _____


Albert J. Avallone - AA1679
Attorneys for Plaintiff
MAERSK LINE
551 Fifth Avenue, Suite 1625
New York, NY 10176
(212) 696-1760

SCHEDULE A

I. Defendant's status & address:

A. Upon information and belief and at all times hereinafter mentioned, defendant FIVE STAR FIREWORKS CORP. was and still is a corporation organized and existing under the laws of the State of Wisconsin, with offices and a place of business at 15345 Highway 32, Lakewood, WI 54138.

II. Details of shipment(s):

1. Bill of Lading No. MAEU854311660, dated April 24, 2007, from Boluo to Lakewood via Hong Kong and Los Angeles on the Vessel SUSAN MAERSK, one (1) container SAID TO CONTAIN: FIREWORKS, at the applicable tariff and/or Service Contract rate of \$7,935.00 (Exhibit A). Defendant's check no. 1407 of May 18, 2007, issued to obtain release of the goods, was dishonored by the bank due to Insufficient Funds (Exhibit B).

Amount Paid: \$0

Amount Due: \$7,935.00

III. Total Amount Due: \$7,935.00

Consignee complete name and address

ANGXI GARMENTS IMPORT & EXPORT
CO., LTD NO. 548 JINGGANGSHAN
AVENUE, NANCHANG,
ANGXI, P.R.CHINA
TEL. NO. 0086-791-6490886

Booking No.

854311660

BL. NO.
MAEU 854311660

Forwarder complete name and address

VESTAR FIREWORKS CORP.
345 HIGHWAY 32 LAKWOOD, WI 54138,
S.A.
L: 715-276-1555

Forwarding agent - reference

FIREWORKS LOGISTICS ASSOCIATION LTD
8 DES VOEUX ROAD WEST
RM 1401-2 SHUN KWONG COMMERCIAL BLDG
HONG KONG

Porter complete name and address

ME AS CONSIGNEE

Domestic routing/agent reference

**Shipper
memoranda
not part of
Bill of Lading**

Arrived by

*Place of Receipt:

BOLUO

Voy No. SAN MAERSK

0705HONG KONG

Discharge

3 ANGELES

ARRIER'S RECEIPT

Ref No./Bill No.
and Numbers(U9680398
-CN6543927)

Port of Loading

Forward inland routing

*Place of Delivery:

LAKWOOD, WI

PARTICULARS FURNISHED BY SHIPPER - CARRIER NOT RESPONSIBLE

Kind of package: description of goods

CY / CY
CONT(S)
1213 CTNS
SC NO: 180570
FIREWORKS
1.3G UN0335 PGII
EMERGENCY CONTACT:
1-800-255-3924
CONTACT PERSON: APA
THIS IS TO CERTIFY THAT
THE ABOVE NAMED ARTICLES ARE
PROPERLY CLASSIFIED, DESCRIBED
PACKAGED, MARKED AND
LABELLED, AND ARE IN PROPER

Gross Weight

19870.000 KGS

CBM 68.500

& Charges

IC FREIGHT 1.00*
AND HAUL. EXPORT
KER ADJUST FACTOR
SSIS USAGE CHARGE
ERMOD FUEL CHARGE
FEE ORIGIN
GO DECLARATION

Rate

7255.00	USD
150.00	USD
340.00	USD
60.00	USD
105.00	USD
	CNY
	USD

Unit

HC
SU
SU
SU
SU
SM
SM

Prepaid

7255.00
150.00
340.00
60.00
105.00
125.00
25.00

Value Charges

for Bill of

Value of USD \$

of Original Bill of

Total Prepaid:

USD	16.16
-----	-------

Date

USD	7935.00
-----	---------

Date

APR 24 07

Shipped in accordance with rules and regulations, unless otherwise stated herein, or otherwise required in these terms and conditions herein, or any additional vessel or air carrier or carrier or forwarder or any other person or company engaged generally called "the Carrier" specified herein for carriage from the port of loading and discharge or arrival or delivery of the goods, not a freight as described and agreed to this day of loading and discharge or the time of discharge agreed herein, or at the time of delivery if payment therefor has been made, or at delivery, being always subject to the maximum period of time of delivery if payment therefor has been made, and to the other and conditions of the bill of lading or bill of exchange or credit or otherwise of the date mentioned therein. Carriage mentioned herein is to be paid by the consignee, notwithstanding that the bill of lading may be signed by the carrier without responsibility to him. It is further agreed that carriage may be started on land without responsibility to him. It is further agreed that the reverse side of the bill of lading is witness where the number of original bills of lading listed on the bill date have been signed, one of which being acknowledged the number to be valid.

SEE ATTACHED SHEET

APR 24 2007

MAERSK INC.

As Agent of shipper

See only when document used
instead Transport Bill of Lading

CONDITION FOR TRANSPORTATION
ACCORDING TO THE APPLICABLE
REGULATIONS OF THE US
DEPARTMENT OF TRANSPORTATION

ORIGINALLY LOADED ONTO VESSEL
HUI XIN HUI 88 V.7172
AT NANSHA, CHINA, ON 27, APR.
2007
IMCO 1.3 UNNO 0335 PKGRP -

MAERSK INC.

111012822
05/30/2007
000009330095831

This is a LEGAL COPY of your check. You can use it the same way you would use the original check.

RETURN REASON-A
NOT SUFFICIENT
Funds

16390001
2875
1
00917

* 15075 500915081216

1407036749000 00000793500

Do not endorse or write below this line.

EXHIBIT "B"